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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : T. OUCHI

Group Art Unit: 3739

Appl. No. : 10/081,854

Examiner: J. Leubecker

Filed : February 25, 2002

For : TREATMENT TOOLS FOR ENDOSCOPE

**RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

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Sir:

In response to the Examiner's Restriction Requirement dated September 26, 2003, setting forth a one month period for response to expire October 27, 2003 (October 26, 2003 being a Sunday), Applicant elects, with traverse, the invention identified by the Examiner as Group II, a tool, including claims 8-19 and 26. Applicant further elects the Species I drawn to Figures 18-23, with traverse. Claims 8-18 are considered to be readable on the invention of Species I drawn to Figures 18-23 and at least claims 8-10 and 16-18 are considered to be generic.

Applicant respectfully traverses the restriction requirement. The Examiner has characterized the inventions of Groups I (claims 1-7); II (claims 8-19 and 26); and III (claims 20 and 21) as "subcombinations disclosed as usable together in a single combination" and

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Group IV (claims 22-25) as a “combination”; and Groups I, III, and IV as “unrelated”. The Examiner has stated in the restriction requirement that “inventions I, II, and IV has separate utility such as with rigid shafts or flexible shafts with pivoting joints” and that “the different inventions operate differently according to the structure claimed (invention I functions as a measurement tool, invention III functions as a brush and invention IV functions as a forceps)”. However, even if the Examiner’s characterization of Groups I, III, and IV as defining subcombinations usable together in the combination of Group II, and to inventions I, III, and IV as unrelated were considered correct, Applicant respectfully requests that all of the inventions defined in claims 1-26, nevertheless, be examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. § 803. That is, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a “serious burden” on the Patent and Trademark Office.

It would appear that the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. That is, if the Examiner were to perform a search for any of the inventions of Groups I, II, III, or IV, there would not appear to be a serious burden in continuing the examination of the other inventions. For these reasons, and consistent with Office policy as set forth in M.P.E.P. § 803, Applicant respectfully requests that the Examiner reconsider and withdraw the Requirement for Restriction.

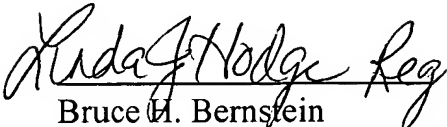
Further, Applicant respectfully traverses the Election of Species Requirement. Although the Examiner's Official Action appears to accurately identify different embodiments of the claimed invention, Applicant respectfully requests that all of the claims in the instant application be examined, pursuant to the guidelines set forth in M.P.E.P. § 803. That is, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a "serious burden" on the Patent and Trademark Office in examining claims directed to the nonelected inventions since the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. It appears that if the Examiner were to perform a search for the embodiment of species I, there would not be a serious burden in examining the other embodiments, especially since all of the claims are directed to at least an element for an endoscope.

For the foregoing reasons, it is submitted that the Requirement for Restriction and the Election of Species Requirement in this application are improper and it is respectfully requested that it be reconsidered and withdrawn.

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Should there be any questions, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,  
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October 24, 2003  
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